

**REMARKS**

The Examiner rejected claims 53-55 under 35 U.S.C. §102(e) as being anticipated by Elliott. The Examiner also rejected the remaining independent claims under 35 U.S.C. §103(a) over Elliott in view of Deeds. In addition, the Examiner further rejected some of the dependent claims under §103(a) over Elliott in view of Deeds, and in further view of Ito, Stone, or Gargiulo. In response, Applicant has cancelled claims 1-55 and adds new claims 56-95 for consideration by the Examiner. No new matter has been added, and all claims are fully supported by the specification as-filed.

Claims 56-95 include three independent claims. Claims 56 and 74 are directed to the wireless communications device that receives a complementary multi-media effect along with the predetermined event indication from the wireless communications network. The network selects the complementary multi-media effect received by the wireless communications device. Claim 77 is directed to the network that selects and transmits the complementary multi-media effect along with the predetermined event indication to the wireless communications device. Each independent claim calls out that a network selects the complementary multi-media effect sent to/received by the wireless communications device. Additionally, each independent claim calls out that the wireless device temporarily stores the received complementary multi-media effect in a first partition of memory, and moves the received complementary multi-media effect to a second partition of memory if the user decides to save the complementary multi-media effect.

Elliott discloses a method and apparatus of providing a user of a user communications terminal with a ring tone to indicate the receipt of an incoming call. According to Elliott, a calling party may select and store one or more ring tones in a database at the network. These ring tones may be sent to a called party with the incoming call; however, the network in Elliott does

not select a desired ring tone to send to the call recipient. In contrast, the calling party in Elliott specifies which of the ring tones to send with the incoming call.

The predetermined menu preferably prompts the party P2 to specify whether or not he desires to place a telephone call to another, recipient communication device, and if so, whether or not he desires that the recipient device indicate the receipt of the call signal by sounding an audible alerting signal **selected by the party P2**. By example, the user communication terminal 18b may prompt the party P2 in step 202 by presenting a message on the display 20 reading "send call with customized ringing?"

*Elliott*, p. 8, para. [0064] (emphasis added). If the calling party in Elliott answers "Y" to the customized ringing prompt, the calling party is asked to specify which ring tone to send. *Elliott*, p. 5, para. [0046]; p. 8, para. [0066 -0067]. Thus, Elliott discloses that a user provides explicit input to select a ring tone to send to a calling party.

In addition, Elliott does not disclose that the user communications terminal temporarily stores the received ring tone in a first partition of memory upon receipt, and then moves the ring tone to a second partition in memory based on the input of the receiving user. Rather, the user in Elliott manually initiates a synchronization procedure to download ring tones from the network tables T1, T2 to local memory (i.e., tables T1, T2 in the user communications terminal).

Assuming that the party P1 then enters information into the information appliance 19a instructing that the tables T1, T2 in the devices 18a and 33 be synchronized, ... the controller 2a of user information appliance 19a communicates in the above-described manner with the server 33' to cause the information from the data tables T1, T2 of database 33 to be copied, downloaded to the user communication terminal 18a (via intermediate components 17, 31, 30, and 19), and stored in the corresponding data tables T1, T2 within the memory 24 of the user communication terminal 18a (step 130).

*Elliott*, pp.-7 6, para. [0054] (emphasis added). Elliott does not suggest that the user communications terminal includes a processor that temporarily stores the received ring tone in a first partition of memory, and then moves the ring tone to a second partition in memory responsive to user input. Indeed, it appears as though Elliott simply replicates the network tables T1, T2 on the user communications terminal.

Deeds does not remedy the deficiencies of Elliott. In fact, it appears as though Deeds discloses only that a communications terminal (not the network) stores a plurality of ring tones that are selected based on predetermined selection criteria. Deeds does not teach or suggest that the network selects the ring tone that is received by/transmitted to the receiving communications terminal along with a predetermined event. Rather, a controller (80) in the receiving terminal selects the ring tone from its own local memory after receiving an incoming call. E.g., *Deeds*, p. 6, para. [0048]; Figure 7. In another embodiment, the terminal controller pre-selects the desired ring tone from its own local memory before receipt of the incoming call; however, in both cases the user's communications terminal in Deeds reads and selects the desired ring tone from its own local memory. Deeds does not teach or suggest that the ring tone is received along with the incoming call from the network.

Further, because the Deeds controller selects the desired ring tone from local memory, Deeds cannot teach or suggest that the user communications terminal temporarily stores a ring tone received from a network along with a predetermined event in a first partition of memory, and moves the received ring tone to a second partition in memory based on the input of the receiving user.

Therefore, neither Elliott nor Deeds teaches or suggests that the selected complementary multi-media effect is selected by the network and sent to/received by a wireless communications device along with an indicator of a predetermined event. Nor does either reference teach or suggest that the received complementary multi-media effect is temporarily stored in a first partition of memory, and moved to a second partition upon user input. Because neither reference alone teaches or suggests these aspects of the claimed invention, they necessarily cannot be combined to teach or suggest the claimed invention.

Regarding the references to Gargiulo, Ito, and Stone, they also fail to remedy the deficiencies of Elliott and Deeds. Gargiulo, for example, discloses a method of permitting a user

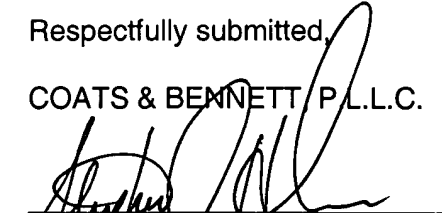
of a mobile station to preview and purchase ring tones. In Gargiulo, however, the ring tones are not selected by the network and sent to/received by the mobile station along with a predetermined event. Rather, the user in Gargiulo utilizes a browser application executing on the mobile station to connect to a host via the Internet to manually select and download desired ring tones. *Gargiulo*, p. 4, para. [0052]. Ito discloses a portable telephone that synchronizes a vibrating mechanism in a user's device to the user's actions (i.e., shaking the phone). Upon receipt of an incoming call, the phone's CPU accesses the phone's memory to read melodic data. *Ito*, col. 5, ll. 45-49. Stone discloses a cellular telephone having a microprocessor that detects power consumption patterns of a specified event, such as an incoming call. Upon detecting the pattern, the microprocessor reads local memory and generates an alert. Stone, col. 4, ln. 66 – col. 5, ln. 5.

None of the Gargiulo, Ito, and Stone references teaches or suggests that a complementary multi-media effect is selected by the network and sent to/received by a wireless communications device along with an indicator of a predetermined event. Nor do these references teach or suggest a wireless communications device that temporarily stores the complementary multi-media effect received along with the predetermined event in a first partition of memory, and moves the received complementary multi-media effect to a second partition responsive to user input. Thus, none of the Gargiulo, Ito, and Stone references can be combined with either Elliott or Deeds, in any combination, to render the claims obvious under §103.

In light of the amendments and the foregoing remarks, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

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Dated: November 10, 2005

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